

REMARKS

The present amendment is submitted in response to the Office Action dated October 31, 2007, which set a three-month period for response, making this amendment due by January 31, 2008.

Claims 1-16 are pending in this application.

In the Office Action, claims 1-4, 6-9, 12, and 14 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,512,078 to Pfanzer.

The Applicants note with appreciation the allowance of claims 5, 10, 11, 15, and 16 if rewritten in independent form to include the limitations of the base claim and any intervening claims, as well as the allowance of claim 13.

In the present amendment, claim 1 was amended to more clearly define the present invention over the cited reference. Specifically, claim 1 clarifies that *“the eccentric element (12a – 12e) rotates with the armature shaft (14a – 14e) and converts due to its own rotation during an operation mode a revolving rotary motion of the armature shaft (14a – 14e) into an oscillating rotary motion of the drive shaft (16a – 16e) in order to drive an insertion tool (40a – 40e) of a hand-held power tool (18a – 18e) to oscillate”*

Support for the new features added to claim 1 can be found in the specification on page 5, lines 7-27.

The Applicants respectfully submit that the newly cited reference to Pfanzer does not disclose or suggest all of the features of independent claim 1 as amended.

Pfanzer discloses a motor driven jig saw with an eccentric transmission comprising an eccentric element, embodied as a shaft 37 with an eccentric circumferential segment 32 arranged therewith and passing through a bell crank lever 26. By means of this eccentric circumferential segment 32, a pivotal feed movement of the saw blade 20 can be continuously adjusted due to a positioning of the eccentric circumferential segment 32 at different circumferential positions (see Pfanzer, column 4, lines 41-46; column 5, lines 57-63; and Fig. 1).

In contrast, amended claim 1 relates defines an eccentric transmission, comprising an imbalance compensation element; an eccentric element; an armature shaft; and a drive shaft, wherein the eccentric element rotates with the armature shaft and converts due to its own rotation during an operation mode a revolving rotary motion of the armature shaft into an oscillating rotary motion of the drive shaft in order to drive an insertion tool of a hand-held power tool to oscillate. Claim 1 further defines that the imbalance compensation element is integral to another function unit.

The eccentric element mediates the rotation of the armature shaft and therefore, defines the oscillating movement of the insertion tool during the working process and additionally provides the function principle of the working process (specification, page 6, lines 13-27 and Fig. 2).

Pfanzer fails to disclose that the eccentric circumferential section 32 of the shaft 37 rotates with the armature shaft 3 and converts, due to its own

rotation during an operation mode, a revolving rotary motion of an armature shaft 3 into an oscillating rotary motion of the drive shaft.

In contrast, the eccentric circumferential section 32 of the shaft 37 does not rotate with the armature shaft 3 or converts by means of its own rotation the motion of the armature shaft to a drive shaft. Rather, the eccentric circumferential section 32 of the shaft 37 moves a bell crank lever 26 and therefore, changes the vertical position of the latter. Because of this vertical position, one operating mode of the jig saw can be provided, in which the rotary motion of the armature shaft 3 can be converted in a pendular movement of the saw blade 20 due to an engaging position of the bell crank lever 26 with a rod element 23.

In this mode, the eccentric circumferential section 32 of the shaft 37 does not convert a rotary motion by its own rotation; rather, it only defines a mode in which a rotation of the armature shaft 3 is converted in a pendular motion of the saw blade 20 (see Pfanz, column 5, lines 19-41). Moreover, the bell crank lever 26 is not a shaft or spindle and is not able to transmit a drive torque.

Based on the foregoing differences between the present invention as defined in amended claim 1 and the Pfanz reference, Pfanz does not anticipate claim 1 under Section 102. The Applicants respectfully submit that Pfanz is not a proper reference under 35 USC 102 pursuant to the guidelines set forth in the last paragraph of MPEP section 2131, where it is stated that "a claim is anticipated only if each and every element as set forth in the claims is

found, either expressly or inherently described, in a single prior art reference", and that "the identical invention must be shown in as complete detail as is contained in the ... claim".

The Applicants further submit that Pfanzer does not render obvious the present invention as defined in amended claim 1. Pfanzer provides no motivation for using the eccentric circumferential section 32 of the shaft 37 as mediator of the rotation of the armature shaft 3 or to integrate a drive shaft instead of the bell crank lever 26 to convert the rotating motion of the armature shaft 3 into an oscillation motion of the saw blade 20.

The eccentric circumferential section 32 of the shaft 37 is mounted on the housing 1 (see Pfanzer, column 4, lines 26-28), and therefore, could not be rotated with the armature shaft 3. To realize this feature in Pfanzer, highly advanced changes in the construction would be required, for which Pfanzer provides no suggestion or teaching.

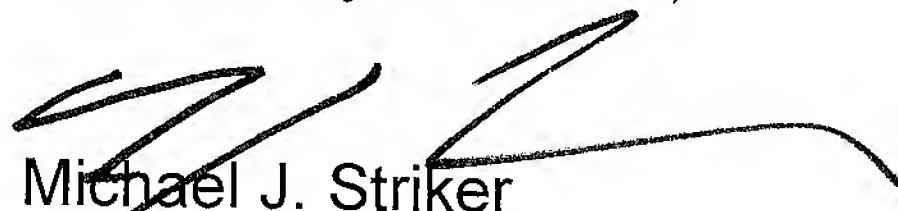
Furthermore, it would be contradictory to the teachings of Pfanzer to integrate a drive shaft instead of the bell crank lever 26, since the integration of the drive shaft 26 would have no constructional advantage for the Pfanzer device. Rather, in terms of mechanical engineering guidelines, it would be disadvantageous and a waste of costs and effort to substitute a component which is highly specified for its purpose with an undefined part.

Therefore, amended claim 1 also is not obvious over Pfanzer. Since the prior art does not suggest the desirability of the claimed invention, such art cannot establish a *prima facie* case of obviousness as clearly set forth in MPEP

section 2143.01. Please note also that, as argued above, any modification to achieve the present invention would change the principle of operation of the prior art, so that also for this reason the Pfanzer reference is not sufficient to render the claims *prima facie* obvious (see the last paragraph of the aforementioned MPEP section 2143.01).

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,


Michael J. Striker
Attorney for Applicant(s)
Reg. No. 27233
103 East Neck Road
Huntington, New York 11743
631-549-4700